UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/799,863	KALISH, DAN
	Examiner	**Art Unit**	
	RYAN J. JAKOVAC	2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 March 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *4-13,16-21,23-25,27 and 29-33* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *4-13,16-21,23-25,27 and 29-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible

for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been

timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR

1.114. Applicant's submission filed 03/30/2009 has been entered.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

3.   Claim 29 and 30 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention. The claim recites a method of identifying contextual location of a mobile device

user, utilizing at least one cellular network to visit content by accessing various hyperlinks,

within a content server through at least proxy server over a cellular network..." (emphasis

added). The claim then further recites "receiving user visited content from a content server." It is

unclear where the user visited content is being received since the method is directed to processes

within the content server while reciting limitations regarding entities receiving content *from* a

content server.

4.　　　　Claim 33 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what entity is "receiving user visited content".

Claim Rejections - 35 USC § 101

5.　　　　35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6.　　　　Claim 29-30, 33 rejected under 35 U.S.C. 101; these claims cites a method but fails to (1) positively recite the statutory class to which they are tied to, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. The method is directed towards receiving/parsing content, extracting information from URLs, creating a sequence of hyperlink titles, and identifying user locations as carried out by a proxy server, however, this/these element(s) is/are interpreted as being embodied in software or a program per se and thus do not belong to any statutory class. Specifically, the proxy server is comprised of software modules as evidenced by Applicant's fig. 2.

Specification

7.　　　　Claim 29-30, 33 is objected to because of the following informalities: the claim recites "through at least proxy server". Appropriate correction is required.

8.   The specification is objected to as failing to provide proper antecedent basis for the

claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the

following is required: Claims 29-30, 33 recite the term "hyperlinks titles sequence", which is

absent from the specification.

Examiner's Note

9.   The Applicant regards claims 29-30 to be the invention. In the remarks filed 03/30/2009,

pg. 1, the Applicant states "…claims 29-30 presented for examination to distinctively point out

the subject matter, which Applicant regards as the invention."

10.   The Applicant notes that claims 29-30 teach"

> "a method and system for identifying a contextual location of the user, using a mobile
>
> device which indicates the sequence of hyperlinks used by the user to reach a requested
>
> URL and thereby enables indicating the user's history of navigation."

11.   The abstract of the cited prior art reference (Silva) discloses a system which through the

use of a mobile device indicates a series of navigational steps (i.e. a sequence of hyperlinks) used

by the user to reach a web page (i.e. a URL).

12.   Claims 29 and 30 contain the phrase "thereby enabling to…" This renders the limitations

that follow an intended use of the invention, rather than a limitation that is given patentable

weight.

Response to Arguments

13.   Applicant's arguments filed 03/30/2009 have been fully considered but they are not

persuasive.

14.   Applicant has amended the independent claims which Applicant considers to be the

invention to include limitations directed towards "utilizing at least one cellular network to visit

content by accessing various hyperlinks". However, the use of a WAP phone accessing web

pages is disclosed in at least the abstract of Silva. The Applicant has further amended to include

limitations directed towards accessing the links through a proxy server, however, the web view

server proxies information between the content provider and the requesting client (Silva, [0026].)

Further, Silva in fig. 1 also discloses device-specific proxies between the devices and the

content/web view server.

15.   Applicant argues in summary that Silva does not disclose parsing the content and

extracting the title and storing the hyperlinks where a title is associated with the URL. The

examiner respectfully disagrees. Fig. 2 of Silva shows the web view specification including the

extracted title and corresponding URLs for the web sites.

16.   Applicant argues that Silva does not teach *parsing the received content and extracting the*

embedded hyperlinks wherein each title is associated with its corresponding dynamic URL. The

examiner respectfully disagrees. Silva teaches a system where the user submits components of a

web page including the navigation steps (i.e. list of URLs) that the user traversed to get to the

destination page. The server stores this information, along with other components of the visited

web page in a web view specification. The web view specification is generated in response to the

information submitted by the user. In order to create the web view specification, the individual

pieced of information must be parsed in order to assemble the specification. See [0027], which

discloses that the server extracts the specified content from the page (i.e. parses the received

content) and returns the extracted content. The abstract discloses that the web view contains the

user's navigational steps (i.e. the pages visited). Paragraph [0028] discloses that the pages are

parsed and components of interest are collected from the page.

17.   Applicant argues that Silva does not teach upon receiving subsequent URL request,

extracting corresponding hyperlink title from the previously stored hyperlink according to

presently received URL extracting user selected embedded hyperlinks and their corresponding

titles and dynamic URLs. The examiner again respectfully disagrees. Silva discloses that when

the web view server receives a subsequent request for a page the server retrieves the stored

specification, accesses the page indicated, extracts the relevant components, and returns the

information to the requesting device (See the abstract.).

Claim Rejections - 35 USC § 102

18.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
>
> sale in this country, more than one year prior to the date of application for patent in the United States.

19.   Claims 4-13, 16-21, 23-25, 27, and 29-33 are rejected under 35 U.S.C. 102(b) as being

anticipated by US 2002/0054090 to Silva et al (hereinafter Silva).

Regarding claims 29, 30, 33, Silva teaches a method of identifying contextual location of

a mobile device user, utilizing at least one cellular network to visit content by accessing various

hyperlinks, within a content server through at least proxy server over a cellular network, wherein

the contextual location relates to a communications link currently used by the mobile user

device,

said method comprising:

receiving user visited content from a content server, through the proxy server (Silva,

[0026], fig. 1.), the content exhibiting embedded hyperlinks each associated with a

corresponding title and a corresponding uniform resource locator (URL) (Silva, abstract, web

view specification is saved at a web view server which includes the navigation steps used to

arrive at the web page (i.e. a series of URLs) and extraction expressions containing components

of interest (i.e. titles).);

parsing the received content and extracting the embedded hyperlinks and their

corresponding titles and dynamic URLs, and storing the hyperlinks wherein each title is

associated with its corresponding dynamic URL (Silva, abstract, based on the navigation steps

and extraction expressions, a web view specification is created. See fig. 2.);

upon receiving a subsequent URL request, extracting corresponding hyperlink title from

previously stored hyperlink according to presently received URL (Silva, abstract, when the web

view server receives a subsequent request, the server retrieves the stored specification, accesses

the page indicated, and extracts the relevant components, and return the information to the

requesting device. See fig. 2.);

creating a short term user surfing course comprising a sequence of hyperlink titles and the

corresponding dynamic URLs (Silva, abstract, web view specification and extraction

components.); and

identifying mobile device user contextual location within content server by comparing

the sequence of user selected hyperlink titles of the short term user surfing course with a plurality

of hyperlinks titles sequences stored on a predefined database (Silva, abstract, when the web

view server receives a subsequent request, the server retrieves the stored specification, accesses

the page indicated, and extracts the relevant components, and return the information to the

requesting device.),

thereby enabling to identify a contextual location by identifying a compatible hyperlinks

titles sequence in the database (Silva, fig. 2, stored web views.), wherein each hyperlinks titles

sequence is associated with a corresponding contextual location (Silva, fig. 2. The web view

comprising corresponds to the user's series of navigational steps (i.e. contextual location). Web

view includes the series of navigational steps (i.e. hyperlinks titles sequence). See at least the

abstract.),

wherein said method process is carried out by at least one proxy server (Silva, [0026], fig.

1.), and wherein said contextual location enables said proxy server to provide services, which

correspond to said identified contextual location (Silva, abstract, "the web view provides a

shortcut to specific content and services..." The web view corresponds to the user's series of

navigational steps (i.e. contextual location).).

Regarding claims 31 and 32, Silva teaches the method of claim 29, 30, further

comprising: registering the hyperlink titles sequence in persistent storage for future analysis

(Silva, abstract, the web view specification is stored at the server.).

Regarding claim 4, 16, Silva teaches the method of claim 29, wherein the identification

of the location of the user within the content server site is arranged for access control utilities

enabling access restriction to specific content according to content location as defined by the

hyperlinks title sequence (Silva, the content is restricted to content location as defined in the

series of navigational steps the user records. See abstract.).

Regarding claim 5, 17, Silva teaches the method of claim 29, wherein the identification

of location of the user within the content server site is arranged for caching utilities enabling to

identify cached content according the identified content location (Silva, abstract, the web view

specifications are stored and later retrieved (i.e. cached.). See also, [0036], web views are cached

in accordance with the links traversed.).

Regarding claim 6, 18, Silva teaches the method of claim 29. Silva does not expressly

disclose wherein the identification of location within content server site is arranged for billing

applications applying billing rules according in accordance with the identified content location,

however, it has been held that a recitation with respect to the manner in which a claimed

apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art

apparatus satisfying the claimed structural limitations. Ex Parte Masham, 2 USPQ F.2d 1647 (1987).

Regarding claim 7, 19, Silva teaches the method of claim 29, wherein the identification of the location within the content server site is arranged for data retrieval services enabling to identify the content service type and comprising retrieving required data from respective data source according to the identified location within the content server site (Silva, abstract, the web services provided by the web view server are retrieved by the client device.).

Regarding claim 8, 20, Silva teaches the method of claim 29, further comprising processing the content to fit user mobile device specifications wherein the identification of the location within the content server site is arranged for selecting content processing before delivery to the mobile device (Silva, see [0003-0010], [0021-0024], and [0033-0036]. See also, [0039], which discloses gateways which perform protocol conversion to and from HTTP as well as necessary transcoding of content retrieved from the Web view server.).

Regarding claim 9, Silva teaches the method of claim 29. Silva does not expressly disclose wherein the identification of the location within the content server site is arranged for sampling the usage of said location and providing usage statistical analysis, however, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex Parte Masham, 2 USPQ F.2d 1647 (1987).

Regarding claim 10, 23, Silva teaches the method of claim 29, 30, further comprising the step of displaying the sequence of hyperlinks titles to the user for enabling the identification of previously visited content services (Silva, [0034], GUI allows users to see the extracted content (i.e. links traversed).).

Regarding claim 11, Silva teaches the method of claim 10. Silva does not expressly disclose wherein the service identification is arranged for tracking users' activities for billing purposes, however, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex Parte Masham, 2 USPQ F.2d 1647 (1987).

Regarding claim 12, 25, Silva teaches t he method of claim 10, 30 wherein the identification of services by the user is arranged for enabling the user to return to the services (Silva, abstract, the user identifies content from websites which he will subsequently access in a web view specification.).

Regarding claim 13, Silva teaches the method of claim 29, wherein the service identification module functionality is implemented at least in part within the user device (Silva, abstract, the components specified by the user are returned to the user device upon subsequent access.).

Regarding claim 21, Silva teaches the system of claim 30. Silva does not expressly disclose wherein the identification of the location within the content server site is arranged for sampling the usage of said location and providing usage statistical analysis, however, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex Parte Masham, 2 USPQ F.2d 1647 (1987).

Regarding claim 24, Silva teaches the system of claim 30, wherein the service tracking module is arranged for tracking users' activities (Silva, the server stores the users navigation steps. See abstract.) for billing services. Silva does not expressly disclose tracking data for billing services, however, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex Parte Masham, 2 USPQ F.2d 1647 (1987).

Regarding claim 27, Silva teaches the systems of claim 30, wherein the content analysis module is implemented within an existing gateway or proxy on the network (Silva, see [0003-0010], [0021-0024], and [0033-0036]. See also, [0039], which discloses gateways which perform protocol conversion to and from HTTP as well as necessary transcoding of content retrieved from the Web view server.).

Claim Rejections - 35 USC § 103

20.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
>
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
>
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
>
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
>
> manner in which the invention was made.

21.   Claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silva in

view of US 7,039,037 to Wang et al (hereinafter Wang).

         Regarding claim 6, 18, Silva teaches the method of claim 29. Silva does not expressly

disclose wherein the identification of location within content server site is arranged for billing

applications applying billing rules according in accordance with the identified content location.

However, Wang teaches wherein the identification of location within content server site is

arranged for billing applications applying billing rules according in accordance with the

identified content location. In column 1 lines 62-67 Wang teaches "The use of the above WAP

Controller of FIG. 3 to enable new wireless data service parameters to be developed and

dynamically implemented (example Roaming support, pre-paid and pay-per-use data services)

and the enforcement of traffic behaviors on WAP traffic depending on different

service/subscriber profiles." The pay-per-view billing methods are also taught in column 3 lines

59-62 as "can purchase service as they go, on the basis of usage time or number of accesses".

It would therefore have been obvious to one of ordinary skill in the art at the time of the

invention to combine Silva's method of location/service identification and Wang's teaching of

pay-per-view services because Wang's teaching employ the use of information about the user in

order to bill the user accordingly. It would be obvious to include the more detailed information

about the user which is provided in Silva's teaching.

22.   Claims 9, 11, 21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Silva in view of US 2002/0062467 to Hunzinger et al (hereinafter Hunzinger).

Regarding claims 9 and 21, Silva teaches the method of claim 29, 30. Silva does not

expressly disclose wherein the identification of the location within the content server site is

arranged for sampling the usage of said location and providing usage statistical analysis.

However, Hunzinger teaches wherein the identification of the location within the content server

site is arranged for sampling the usage of said location and providing usage statistical analysis

(Hunzinger [0023], a monitoring system is used to keep track of the statistics of content

delivery.)

It would be obvious to at the time of the invention to combine Hunzinger's billing and

usage monitoring services with Silva's method of identifying services and locations for WAP

users because it is obvious to bill a user according to the services provided.

Regarding claims 11 and 24, Silva teaches the method of claim 10, 30. Silva does not

expressly disclose wherein the service identification is arranged for tracking users' activities for

billing purposes. However, Hunzinger teaches wherein the service identification is arranged for tracking users' activities for billing purposes (Hunzinger, paragraph [0011] discloses "a content usage-based billing ". It is clear that the user's activity is being tracked since the usage is being monitored, and that it is being done according to billing purposes.

It would be obvious to at the time of the invention to combine Hunzinger's billing and usage monitoring services with Silva's method of identifying services and locations for WAP users because it is obvious to bill a user according to the services provided.

Conclusion

23.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 6,976,210 to Silva et al, US 2004/0059809 to Benedikt et al, US 2006/0117055 to Doyle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RJ/

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2445